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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

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Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF MARK C. MAO IN
 SUPPORT OF PLAINTIFFS' REQUEST
 FOR AN ORDER TO SHOW CAUSE**

Referral: The Honorable Susan van Keulen

I, Mark C. Mao, declare as follows.

2. I submit this Declaration in support of Plaintiffs' Request for the Court to issue an Order to Show Cause for Why Google Should Not Be Sanctioned for Discovery Misconduct.

[illegible]

5. On February 18, 2022, Google produced approximately [REDACTED] documents from Bert Leung's custodial files. This production followed a ruling from the Court directing Google to tell Plaintiffs the "hit counts" for Mr. Leung's documents. Contrary to Google's assertions of burden with respect to producing Mr. Leung's documents, Google informed Plaintiffs that their search term proposal resulted in just [REDACTED] hits and agreed to produce responsive documents.

6. The documents Google produced from Mr. Leung's files on February 18, 2022, appeared to confirm for the first time several key pieces of information that Google never previously disclosed to Plaintiffs, the Special Master, or the Court.

7. [REDACTED]
[REDACTED] Ex. 3, GOOG-BRWN-

1 00845423.

2 8. *Second*, following that approval, [REDACTED]

3 [REDACTED]
4 [REDACTED] Ex. 3, GOOG-BRWN-00845423; Ex. 9, GOOG-BRWN-00845312 at -18.

5 9. *Third*, [REDACTED]

6 [REDACTED]
7 [REDACTED] Ex. 22, GOOG-BRWN-00845281; Ex. 23, GOOG-
8 BRWN-00845275; Ex. 24, GOOG-BRWN-00845274.

9 10. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 11. [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 12. [REDACTED]

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
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1 [REDACTED] A true and correct
2 copy of the most up-to-date version of the document Google produced in 2021 is attached as
3 Exhibit 25 (GOOG-CABR-03668216).

4 13. On November 12, 2021, the Court issued an order requiring that “Google shall
5 provide a declaration, under penalty of perjury from Google, not counsel, that 1. To the best of its
6 knowledge, *Google has provided a complete list of data sources that contain information*
7 *relevant to Plaintiffs’ claims . . .*” Dkt. 331 at 8 (emphasis added).

8 14. On November 18, 2021, Google submitted a declaration from Andre Golueke, “a
9 Discovery Manager within the Legal Department at Google LLC.” Dkt. 338. The declaration
10 certified that “Google has provided a complete list of sources that contain information about
11 Plaintiffs relevant to Plaintiffs’ claims. The data sources are listed in Exhibit A.”

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] Compare Ex. Dkt. 338-1 (Google’s Ex. A) with Ex. 3, GOOG-BRWN-
16 00845423. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 16. The Court also ordered that “within four days of the date of this Order Google is to
2 provide to the Special Master full schemas, a list of ALL fields with their descriptions, a list of
3 tools used to search the respective data sources, and instruction sets and manuals for all tools
4 identified as being used by ‘Googlers’ to search each of the following data sources...” The Court
5 then listed (a) seven specific logs, (b) “any data sources searched in addition to the 7 listed above,”
6 and (c) “[a]ny other of the data sources Plaintiffs specific from the list of potentially relevant data
7 sources provided by Google” Dkt. 331 Ex. 1.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] However, rather than produce “full schemas and a “list of ALL fields with their
12 descriptions,” as the Court ordered, [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 21. The very next day on December 3, 2021, Plaintiffs deposed Google employee Chris
23 Liao, who is Bert Leung’s supervisor. Mr. Liao testified: [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
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[REDACTED]

[REDACTED] *Id.* 134:15-135:3.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. Google finally produced Mr. Leung's custodial documents on Friday, February 18, 2022, which set off a cascade of revelations that are the basis for this request for an order to show cause. [REDACTED]

[REDACTED]

[REDACTED] On Sunday, February 20, 2022, Plaintiffs promptly alerted the Special Master and Google [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] next day on Monday, February 21, 2022, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Counsel for Google never responded to

Plaintiffs' multiple requests. *Id.*

[REDACTED] Plaintiffs then propounded an interrogatory asking Google [REDACTED]

[REDACTED]

Google did not answer that question, either.

34. Attached hereto as **Exhibit 3** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00845423. The document was produced on February 18, 2022.

1 35. Attached hereto as **Exhibit 4** is a true and correct copy of a document Google
2 produced in discovery labeled GOOG-BRWN-00023909. The document was produced on
3 February 1, 2021.

4 36. Attached hereto as **Exhibit 5** is a true and correct copy of Plaintiffs' Interrogatories Set
5 2.

6 37. Attached hereto as **Exhibit 6** is a true and correct copy of Google's Responses and
7 Objections Plaintiffs' Interrogatories Set 2.

8 38. Attached hereto as **Exhibit 7** is a true and correct copy of a February 21, 2022 email
9 exchange between counsel for Plaintiffs and counsel for Google.

10 39. Attached hereto as **Exhibit 8** are excerpts from the December 2, 2021 deposition of
11 Google employee Chris Liao.

12 40. Attached hereto as **Exhibit 9** is a true and correct copy of a document Google produced
13 in discovery labeled GOOG-BRWN-00845312. The document was produced on February 18,
14 2022.

15 41. Attached hereto as **Exhibit 10** is a true and correct copy of a document Google
16 Produced in discovery labeled GOOG-BRWN-00845569. The document was produced on
17 February 18, 2022.

18 42. Attached hereto as **Exhibit 11** is a true and correct copy of a document Google
19 produced in discovery labeled GOOG-BRWN-00845277. The document was produced on
20 February 18, 2022.

21 43. Attached hereto as **Exhibit 12** are excerpts from a document Google produced in
22 discovery labeled GOOG-CABR-05144884. The document was produced on November 16, 2021.

23 44. Attached hereto as **Exhibit 13** is a true and correct copy of Google's Responses and
24 Objections to Plaintiffs' First Set of Requests for Production (Nos. 1-19).

25 45. Attached hereto as **Exhibit 14** is a true and correct copy of a document Google
26 produced in discovery labeled GOOG-CABR-04324934. The document was produced on October
27 5, 2021.

1 46. Attached hereto as **Exhibit 15** is a true and correct copy of a document Google
2 produced in discovery labeled GOOG-BRWN-00845477. The document was produced on
3 February 18, 2022.

4 47. Attached hereto as **Exhibit 16** is a true and correct copy of a document Google
5 produced in discovery labeled GOOG-BRWN-00845481. The document was produced on
6 February 18, 2022.

7 48. Attached hereto as **Exhibit 17** is a true and correct copy of a document Google
8 produced in discovery labeled GOOG-BRWN-00845437. The document was produced on
9 February 18, 2022. Part of the document is not visible because of how Google produced it.
10 Plaintiffs consulted the metadata for the full text.

11 49. Attached hereto as **Exhibit 18** is a true and correct copy of a document Google
12 produced in discovery labeled GOOG-CABR-05280756. The document was produced on
13 November 24, 2021.

14 50. Attached hereto as **Exhibit 19** are excerpts of Google's Responses and
15 Objections to Plaintiffs' Ninth Set of Interrogatories.

16 51. Attached hereto as **Exhibit 20** is a true and correct copy of a February 23, 2022 email
17 exchange between counsel for Plaintiffs and counsel for Google.

18 52. Attached hereto as **Exhibit 21** is a true and correct copy of a document Google
19 produced in discovery labeled GOOG-CABR-05757329. The document was produced on January
20 31, 2022.

21 53. Attached hereto as **Exhibit 22** is a true and correct copy of a document Google
22 produced in discovery labeled GOOG-BRWN-00845281. The document was produced on
23 February 18, 2022.

24 54. Attached hereto as **Exhibit 23** is a true and correct copy of a document Google
25 produced in discovery labeled GOOG-BRWN-00845275. The document was produced on
26 February 18, 2022.

27 55. Attached hereto as **Exhibit 24** is a true and correct copy of a document Google
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1 produced in discovery labeled GOOG-BRWN-00845274. The document was produced on
2 February 18, 2022.

3 56. Attached hereto as **Exhibit 25** is a true and correct copy of a document Google
4 produced in discovery labeled GOOG-CABR-03668216. The document was produced on
5 September 24, 2021.

6
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed this 25th day of February, 2022, at Fremont, California.

9 /s/ Mark Mao
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